

REMARKS

This paper is intended as a full and complete response to the Office Action dated March 8, 2007, having a shortened statutory period for response set to expire on June 8, 2007.

Claims 2, 3, 10, and 11 are cancelled from the Application.

Claims 1, 4-9, and 12-14, are currently amended in the Application.

Claims 1, 4-9, and 12-14, are pending in the Application.

I. Claim Objections:

The Office Action objected to claims 7 and 9 as having an unascertainable scope. The Applicant has amended claims 7 and 9 to better define the scope of the invention and to overcome the claim objections.

II. Claim Rejections under 35 U.S.C. §103(a):

The Office Action rejected Claims 1-2, 4-10 and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over *Westmoland*, U.S. Patent No. 5,201,578, hereinafter referred to as *Westmoland*, in view of *Johnson*, U.S. Patent No. 6,619,816, hereinafter referred to as *Johnson*.

Applicant has amended claim 1 to better define the invention. Specifically, Applicant's amended claim 1 has been amended to include at least one line with a hook axially secured to the at least one line and a first hook axially secured to the at least one line between the at least one earring clip and the hook. See Applicant's amended claim 1. The support for the amendment is in the Applicant's original specification. See Figure 3 of originally filed Application.

Westmoland teaches a lighting element (4a) whereby decorative elements (29) may be hung from the lighting element (4a). See *Westmoland*, Figure 8, Column 6, line 37 to Column 7, line 15. Applicant's amended claim 1 teaches at least one line

axially secured to the at least one earring clip, and two hooks are secured to the at least one line. The two hooks are an important feature because individual users will have differing neck lines and hair lines. The differences in the hair line and neck line essentially require that there be at least one line that is axially aligned with two hooks allowing an individual user to adapt the advertising apparatus to the requisite distance between the user's earlobe and the hook displaying the at least one edible food item to ensure optimal display of the at least one edible food item.

The two axially aligned hooks on the at least one line secured to the at least one earring clip ensure that the displayed at least one edible food item is conveniently located to the user's mouth. The displayed at least one edible food item is meant to be available as a snack to the user. To eat the at least one edible food item the user has to be able to adapt the distance of the displayed fruit or vegetable from the user's earlobe. The positioning of the displayed at least one edible food item ensures that if the user needs to eat the displayed at least one food item he will be able to do so even in an emergency. For example, if a diabetic needs to manage low blood sugar in a hurry, the displayed edible food item can be easily accessed, even when the user's hands are occupied with another task.

Westmoland does not suggest the important feature of being able to adjust the distance from the user's earlobe. In contrast, *Westmoland* teaches that a decorative element 29 can hang from the lighting element; however, it does not teach allowing a user to adapt the distance between the earlobe and the displayed edible food item by having a line, with two axially aligned hooks which are axially aligned with an earring clip.

Johnson teaches a confection assembly 10. The confection assembly 10 has a confection 12 connected to a light transmission element 14. The light transmission element 14 is connected to a light device 16. The light device is illustrated as a standard pin light. See *Johnson*, Column 3, lines 43-49.

Applicant's amended claim 1 requires at least one line axially secured to at least one earring clip, and a hook axially secured to the at least one line, with a first hook

axially secured to the at least one line between the at least one earring clip and the hook. *See* Applicant's amended claim 1.

Johnson does not teach having the confection 12 secured to a line which is axially secured to an earring clip. The line with the two axially aligned hooks is an important feature, because it optimizes the efficiency of advertising by ensuring that a user can ensure optimal visibility of the displayed edible food item by adapting the distance between the ear lobe and the displayed edible food item.

Applicant believes that amended claim 1 teaches past the art of record by teaching the at least one line axially secured to the at least one earring clip and the two hooks. Since Applicant believes that amended claim 1 teaches past the art of record, Applicant believes amended claim 1 is in condition for allowance and such allowance is respectfully requested.

Dependent claims 4-7, incorporate the limitations of amended claim 1, and as such, Applicant believes dependent claims 4-7 are in condition for allowance, and such allowance is respectfully requested.

Applicant has additionally amended claim 8 to better define the invention. Specifically, Applicant's amended claim 8 has been amended to include at least one line with a hook axially secured to the at least one line and a first hook axially secured to the at least one line between the at least one earring clip and the hook. *See* Applicant's amended claim 8. The support for the amendment is in the Applicant's original specification. *See* Figure 3 of originally filed Application.

Westmoland teaches a lighting element (4a) whereby decorative elements (29) may be hung from the lighting element (4a). *See Westmoland*, Figure 8, Column 6 line 37 to Column 7, line 15. Applicant's amended claim 8 teaches at least one line axially secured to the at least one earring clip, and two hooks are secured to the at least one line. This is an important feature because individual users will have differing neck lines and hair lines. The differences between users' hairlines and neck lines essentially require that there be at least one line that is axially aligned with two

hooks allowing an individual user to adapt the advertising apparatus to the requisite distance between the user's earlobe and the hook displaying the chewy candy item to ensure optimal display of the chewy candy item.

The two axially aligned hooks on the at least one line secured to the at least one earring clip ensure that the displayed chewy candy item is conveniently located to the user's mouth. The displayed chewy candy item is edible, thus ensuring convenient and safe consumption of the displayed chewy candy item. The user has to be able to adapt the distance of the displayed chewy candy item from the earlobe. The positioning of the displayed chewy candy item ensures that when the user needs to eat the displayed chewy candy item, the user will be able to do so even in an emergency. For example, if a diabetic needs to manage low blood sugar in a hurry, the displayed chewy candy item can be accessed, even when the user's hands are occupied with another task.

Westmoland does not suggest this important feature of having at least one line having two hooks, which is axially aligned with the at least one earring clip. In contrast, *Westmoland* teaches that a decorative element 29 can hang from the lighting element; however, it does not teach allowing a user to adapt the distance between the earlobe and the displayed chewy candy item by having a line, with two axially aligned hooks, axially aligned with an earring clip. *See Westmoland* Figure 8.

Johnson teaches a confection assembly 10. The confection assembly 10 has a confection 12 connected to a light transmission element 14. The light transmission element 14 is connected to a light device 16. The light device is illustrated as a standard pin light. *See Johnson*, Column 3, lines 43-49.

Applicant's amended claim 8 requires at least one line axially secured to at least one earring clip and a hook axially secured to the at least one line, with a first hook axially secured to the at least one line between the at least one earring clip and the hook. *See* Applicant's amended claim 1. *Johnson* does not teach having the confection 12 secured to a line which is axially secured to an earring clip. The line with the two axially aligned hooks is an important feature, because it optimizes the

efficiency of advertising by ensuring that a user can ensure optimal visibility of the displayed chewy candy item by adapting the distance between the earlobe and the displayed chewy candy item.

Applicant believes that amended claim 8 teaches past the art of record by teaching the at least one line axially secured to the at least one earring clip and the two hooks. Since Applicant believes that amended claim 8 teaches past the art of record Applicant believes amended claim 8 is in condition for allowance and such allowance is respectfully requested.

Dependent claims 9 and 12-14, incorporate the limitations of amended claim 1 and as such Applicant believes dependent claims 9 and 12-14 are in condition for allowance, and such allowance is respectfully requested.

Applicant believes no new matter has been added with any amendments that have been made. Reconsideration of this Application with the amended claims in view of the remarks expressed throughout this Response is respectfully requested.

Respectfully submitted,

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